

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EUGENE FALLS,

Defendant.

No. 05-CR-30027-DRH

ORDER

HERNDON, Chief Judge:

On August 13, 2012, defendant filed a motion for reduction of sentence (Doc. 327). Defendant asks for a retroactive reduction of sentence based on the Fair Sentencing Act which took effect November 1, 2011. Because the Fair Sentencing Act is not applicable to Falls, the Court denies the motion.

On June 2, 2006, the Court sentenced Falls to 240 months imprisonment on Count 1 and 140 months imprisonment on Counts 3, 4 and 7 to run concurrently (Doc. 165). Judgment reflecting the same was entered on June 12, 2006 (Doc. 168). Recently, the Supreme Court decided that the provisions of the 2010 Fair Sentencing Act, which reduced the 100-to-one crack-to-powder cocaine sentencing guideline disparity to an 18-to-one ratio, must be applied to any offender sentenced *after* August 3, 2010 (the effective date of the Act), regardless of when the unlawful conduct occurred. *Dorsey v. United States*, 132 S.Ct. 2321 (June 21, 2012). As Falls was sentenced prior to August 3, 2010, the Fair Sentencing Act does not apply

to Falls. Accordingly, the Court **DENIES** Falls' motion for reduction of sentence (Doc. 327).

IT IS SO ORDERED.

Signed this 13th day of August, 2012.

David R. Herndon



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David R. Herndon
Date: 2012.08.13
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**Chief Judge
United States District Judge**